



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 29, 1996

Ms. Roberta A. Lloyd  
Assistant County Attorney  
Harris County  
1001 Preston, Suite 634  
Houston, Texas 77002-1891

OR96-0621

Dear Ms. Lloyd:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39468.

Harris County (the "county") received a request for seven categories of documents concerning off-duty work of sheriff's deputies.<sup>1</sup> You state that you have released to the requestor some of the information he seeks. However, you claim that the remainder of the requested information is excepted from disclosure under section 552.108 of the Government Code. You have submitted a sample of the information you are seeking to withhold. We have considered the exception you claimed and have reviewed the sample documents.<sup>2</sup>

Section 552.108(b) excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . ." This section excepts from disclosure the internal records and notations of law enforcement agencies and prosecutors when their release would unduly interfere with law enforcement and crime prevention. Open Records Decision No. 531 (1989) at 2 (quoting *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex.

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<sup>1</sup>You state that one of the requests was verbal. We note that chapter 552 of the Government Code does not require a governmental body to respond to verbal requests for information. Gov't Code § 552.301(a). We, therefore, will address in this ruling only the written request for information.

<sup>2</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

1977)). When section 552.108(b) is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how releasing the information would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) at 3.

You claim that information responsive to request 2 is information contained on "extra job cards," now referred to as "extra employment applications." These documents set forth the name of the business where the deputy intends to provide extra employment services, as well as the days of the week and the hours the deputy will work, the services to be performed, how long the business intends to employ the deputy and whether the deputy will be in uniform or plainclothes. The denials of requests to work at certain businesses are responsive to request 3. They delineate those businesses where deputies are not authorized to provide extra employment services. In Open Records Decision No. 456 (1987), this office addressed a request for similar information and concluded that the information was excepted from disclosure under section 552.108. In reaching this conclusion this office stated:

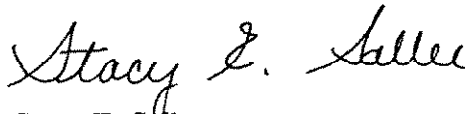
The forms reveal the occasions on which certain businesses take extra security measures. By negative implication, the forms also reveal which businesses do not employ 'off-duty' police officers. Although the forms relate to attempts made by the businesses to deal with security problems, you indicate that the information is also vital to the police department's crime prevention activities. Section [552.108] protects information which reveals special investigative techniques. Despite the fact that the information relates primarily to what you characterize as 'private' employment, the information has independent significance to law enforcement activities.

Moreover, the form reveals that certain police officers will be at a particular place at a particular time. The form states whether the officer will be in 'uniform or plainclothes.' Section [552.108] does not ordinarily protect general personnel information such as a particular officer's age, law enforcement background, and previous employment. Section [552.108] does, however, protect information which, if revealed, might endanger the life or physical safety of law enforcement personnel. The law enforcement exception also protects information which reveals when and where employees travel on sensitive assignments. . . . From a standpoint of security, however, there is a difference between knowing in advance whether a uniformed police officer will be at a particular location and noticing only upon visiting a particular business whether a uniformed officer is present. [Citations omitted.] [Emphasis in original.]

Therefore, we conclude that the county may withhold the requested information from disclosure under section 552.108(b).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Stacy E. Sallee".

Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref.: ID# 39468

Enclosures: Submitted documents

cc: Mr. David A. Kahne  
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(w/o enclosures)